

1 ERIC ROY, ESQ.
2 Nevada Bar No. 11869
3 STEPHEN K. LEWIS ESQ.
4 Nevada Bar No. 7064
5 **ERIC ROY LAW FIRM**
6 703 South Eighth Street
7 Las Vegas, Nevada 89101
8 T: (702) 423-3333
9 F: (702) 924-2517
10 Eric@ericroylawfirm.com
11 Steve@ericroylawfirm.com
12 *Attorneys for Plaintiffs*

13

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 *****

17 HECTOR CLEMENTE and TINA
18 CLEMENTE, individually and as natural
19 parents and legal guardians of EZRA
20 CLEMENTE, a Minor,

21 CASE NO.: 2:22-cv-02169-RFB-BNW

22 Plaintiffs,

23 v.

24 AMANDA ELIZABETH LANHAM, an
25 individual; POSTMATES, LLC, a Foreign
26 Limited Liability Corporation; DOES I
through X, inclusive; and ROE
CORPORATIONS I through X, inclusive,

27 Defendants.

28 **STIPULATION AND ORDER TO STAY DISCOVERY DEADLINES**

29 Plaintiffs HECTOR CLEMENTE, TINA CLEMENTE, and EZRA CLEMENTE, a minor,
30 and Defendants, AMANDA ELIZABETH LANHAM and POSTMATES, LLC, by and through
31 their respective counsel of record, submit the foregoing stipulation and order to stay discovery
32 deadlines as follows:

33 1. Summary of Discovery Completed:

34 To date, the following discovery has been completed in this case:

Eric Roy Law Firm
703 South Eighth Street
Las Vegas, Nevada 89101
702.423.3333

1	Plaintiffs Initial Rule 26(a) Disclosures	1/24/2023
2	Defendant Postmates Initial Rule 26(a) Disclosures	2/8/2023
3	Plaintiffs' First Set of Requests for Admission, Requests for Production and Interrogatories to Defendant Postmates	3/29/2023
4	Plaintiffs First Supplemental Rule 26(a) Disclosures	5/9/2023
5	Defendant Elizabeth Lanham Initial Rule 26(a) Disclosures	5/9/2023
6	Defendant Postmates First Supplemental Rule 26(a) Disclosures	5/18/2023
7	Defendant Postmates's Responses to Plaintiffs First Set of Requests for Production of Documents and Answers to Plaintiffs First Set of Interrogatories	5/18/2023
8	Defendant Elizabeth Lanham First Supplemental Rule 26(a) Disclosures	6/20/2023

Eric Roy Law Firm
703 South Eighth Street
Las Vegas, Nevada 89101
702.423.3333

12
13 2. Discovery Remaining

14 The following discovery remains to be completed:

- 15 a) The parties will disclose initial expert witnesses;
 16 b) The parties will disclose rebuttal expert witnesses;
 17 c) Additional Written Discovery;
 18 d) Deposition of Person(s) Most Knowledgeable for Defendant;
 19 e) Deposition of Plaintiff;
 20 f) Deposition of Defendant
 21 g) Deposition(s) of percipient witnesses;
 22 h) Deposition(s) of treating physicians; and
 23 i) Deposition(s) all expert witnesses.

24
25 3. Reason Why Discovery Was Not Completed

26 The parties initial focus in this case was to determine if this matter would be remanded.
 27 The parties have agreed to remand. Therefore, the parties have filed a Stipulation and Order to
 28 Remand to State Court on 7/26/2023. Currently, the Stipulation and Order is still pending

1 signature of the United States District Judge. As such, the parties believe that good cause exists
 2 to justify the stay of discovery deadlines to allow for additional time to file the appropriate
 3 pleadings to finalize remanding to State Court. Once this case remands back to State Court, new
 4 discovery deadlines will be appointed per the Joint Case Conference Report filed in State Court.

5 **4. Current Schedule for Completing Discovery**

Event	Current Deadline
Expert Designations	September 28, 2023
Rebuttal Expert Designations	October 30, 2023
Discovery Cut-off	November 27, 2023
Dispositive Motions	December 27, 2023
Joint Pre-Trial Order	January 26, 2024

16 Accordingly, the parties respectfully request that this Court enter an order setting the
 17 following stay of current discovery deadlines:

18 Counsel further state that the requested stay of discovery deadlines is not offered for
 19 purposes of delay, but rather for the purposes set forth above.

20 **DATED** this 25th day of September, 2023.

21 **ERIC ROY LAW FIRM**

22 /s/ Eric Roy

23 Eric Roy, Esq.
 24 Nevada Bar No. 11869
 25 Stephen K. Lewis, Esq.
 26 Nevada Bar No. 7064
 27 703 South Eighth Street
 28 Las Vegas, Nevada 89101
Attorneys for Plaintiffs

20 **DATED** this 25th day of September, 2023.

21 **WOOD SMITH HENNING & BERMAN,
 22 LLC**

23 /s/ Dane W. Smith

24 Susana Santana, Esq.
 25 Nevada Bar No. 13753
 26 2881 Business Park Court, Suite 200
 27 Las Vegas, Nevada 89128-9020
Attorney for Defendant, Postmates, LLC

1 **DATED this 25th day of September, 2023.**

2 **BREMER WHYTE BROWN &**
3 **O'MEARA, LLP**

4 /s/ Deleela M. Weinerman

5 Jared G. Christensen, Esq.
6 Nevada Bar No. 11538
7 Deleela M. Weinerman, Esq.
8 Nevada Bar No. 13985
9 *Attorneys for Defendant,*
10 *Amanda Elizabeth Lanham*

11 **ORDER**

12 IT IS SO ORDERED.

13 Dated this 26 day of September, 2023.

14 **IT IS SO ORDERED**

15 **DATED:** 10:20 am, September 26, 2023



16 **BRENDA WEKSLER**
17 **UNITED STATES MAGISTRATE JUDGE**

18 Respectfully Submitted by:

19 **ERIC ROY LAW FIRM**

20 /s/ Eric Roy

21 Eric Roy, Esq.
22 Nevada Bar No. 11869
23 Stephen K. Lewis, Esq.
24 Nevada Bar No. 7064
25 703 South Eighth Street
26 Las Vegas, Nevada 89101
27 *Attorneys for Plaintiffs*

Jennifer Pascual

From: Deleela M. Ivey Weinerman <dweinerman@bremerwhyte.com>
Sent: Wednesday, September 20, 2023 12:45 PM
To: Jennifer Pascual; Stephen Lewis
Cc: SSantana@wshblaw.com; Jared G. Christensen; Alexis Robinson; Autumn Humble; Dane W. Smith; Kyle J. Hoyt
Subject: RE: Clemente vs. Lanham - 2:22-CV-02169-RFB-BNW (BWBO 1357.199)

Follow Up Flag: Follow up
Flag Status: Flagged

You may insert my signature.

Thanks!

Deleela M. Ivey Weinerman

[Bremer Whyte Brown & O'Meara, LLP](#) | Las Vegas, NV
d: 725.210.8822
t: 702.258.6665
f: 702.258.6662

From: Jennifer Pascual <Jennifer@ericroylawfirm.com>
Sent: Wednesday, September 20, 2023 12:31 PM
To: Stephen Lewis <steve@ericroylawfirm.com>; Deleela M. Ivey Weinerman <dweinerman@bremerwhyte.com>
Cc: SSantana@wshblaw.com; Jared G. Christensen <jchristensen@bremerwhyte.com>; Alexis Robinson <arobinson@bremerwhyte.com>; Autumn Humble <ahumble@bremerwhyte.com>; Dane W. Smith <DSmith@wshblaw.com>; Kyle J. Hoyt <KHoyt@wshblaw.com>
Subject: RE: Clemente vs. Lanham - 2:22-CV-02169-RFB-BNW (BWBO 1357.199)

Attached is the revised version.



Jennifer Pascual
ERIC ROY LAW FIRM
Paralegal
703 South Eighth Street
Las Vegas, NV 89101
T: 702-423-3333 || F: 702-924-2517
Jennifer@EricRoyLawFirm.Com

CONFIDENTIALITY NOTICE: This electronic transmission (including any files attached hereto) contains information that is legally privileged, confidential, and exempt from disclosure. It is intended for use only by the individual or entity named above. If you are not the intended recipient or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying, distribution, or the taking of any action in reliance on the contents of this confidential information is strictly prohibited. If you have received this communication in error, please destroy it, remove it from your computer and/or network, and immediately notify me by email. Thank you. Receipt by anyone other than the named recipient(s) is not a waiver of any attorney-client, work product or other applicable privilege, protection or doctrine.

Any email address attached that has the ending @projects.filevine.com is sent to our file management system "Filevine."

From: Stephen Lewis <steve@ericroylawfirm.com>

Sent: Wednesday, September 20, 2023 11:17 AM

To: Deleela M. Ivey Weinerman <dweinerman@bremerwhyte.com>; Jennifer Pascual <Jennifer@ericroylawfirm.com>

Jennifer Pascual

From: Dane W. Smith <DSmith@wshblaw.com>
Sent: Friday, September 22, 2023 1:43 PM
To: Jennifer Pascual; Stephen Lewis; Deleela M. Ivey Weinerman
Cc: Jared G. Christensen; Alexis Robinson; Autumn Humble; Kyle J. Hoyt
Subject: RE: Clemente vs. Lanham - 2:22-CV-02169-RFB-BNW (BWBO 1357.199)

Good Afternoon,

Please add my name to my firm's signature block. You may affix my e-signature.

Thanks,

Dane W. Smith
Associate
WOOD SMITH HENNING & BERMAN LLP

A 2881 Business Park Court, Suite 200, Las Vegas, NV 89128-9020

D 702.940.0352 M 661.755.3197

E dsmith@wshblaw.com [W https://url.avanan.click/v2/](https://url.avanan.click/v2/) www.wshblaw.com [YXAzOmVyaWNyb3lsYXc6YTpvOmM4YjkwYTA3MjhhYzFkY2Y](#)

[Personal Bio](#) · [Facebook](#) · [LinkedIn](#) · [Twitter](#)

From: Jennifer Pascual <Jennifer@ericroylawfirm.com>
Sent: Wednesday, September 20, 2023 12:31 PM
To: Stephen Lewis <steve@ericroylawfirm.com>; Deleela M. Ivey Weinerman <dweinerman@bremerwhyte.com>
Cc: Susana Santana <SSantana@wshblaw.com>; Jared G. Christensen <jchristensen@bremerwhyte.com>; Alexis Robinson <arobinson@bremerwhyte.com>; Autumn Humble <ahumble@bremerwhyte.com>; Dane W. Smith <DSmith@wshblaw.com>; Kyle J. Hoyt <KHoyt@wshblaw.com>
Subject: [EXTERNAL] RE: Clemente vs. Lanham - 2:22-CV-02169-RFB-BNW (BWBO 1357.199)

Attached is the revised version.



CONFIDENTIALITY NOTICE: This electronic transmission (including any files attached hereto) contains information that is legally privileged, confidential, and exempt from disclosure. It is intended for use only by the individual or entity named above. If you are not the intended recipient or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying, distribution, or the taking of any action in reliance on the contents of this confidential information is strictly prohibited. If you have received this communication in error, please destroy it, remove it from your computer and/or network, and immediately notify me by email. Thank you. Receipt by anyone other than the named recipient(s) is not a waiver of any attorney-client, work product or other applicable privilege, protection or doctrine.

Any email address attached that has the ending @projects.filevine.com is sent to our file management system "Filevine."